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In re Application of :
COOKE, Robert Stephen et al. :
Application No.: 10/049,800 :
PCT No.: PCT/GB00/03117 :
Int. Filing Date: 14 August 2000 :
Priority Date: 17 August 1999 :
Attorney Docket No.: FHW-100US :
For: PORTAL IMAGING DEVICE :

NOTIFICATION

This application is before the Office of PCT Legal Administration for matters arising under 35 U.S.C. §371.

BACKGROUND

On 14 August 2000, applicants filed international application PCT/GB00/03117. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 22 February 2001. On 12 February 2001, a demand for international preliminary examination was filed prior to nineteen months from the priority date. As such, the deadline for entry into the national stage in the United States is thirty months from the priority date, or 19 November 2002 (17 February 2002 was a Sunday and 18 February 2002 was a holiday).

On 15 February 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 April 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/E0/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 19 November 2002, applicants filed a response to the Notification of Missing Requirements along with a petition for a five month extension of time and the fee for a five month extension of time.

On 13 January 2003, the Office mailed Notice of Abandonment indicating the application went abandoned for failure to respond to the Notice to File Missing Parts.

DISCUSSION

The 13 January 2003 Notice of Abandonment issued prior to the 19 November 2002 submission being matched with the application. The 19 November 2002 submission with a petition for a five month extension of time was timely and a proper reply. The 13 January 2003 Notice of Abandonment issued in error.

CONCLUSION

The Notice of Abandonment (Form PCT/DO/EO/909) mailed 13 January 2003 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371(c) date is 19 November 2002.



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